

Human Skeletal Remains and Burial Site Protection Act Procedures

22-3-801 through 22-3-811, MCA

Step 1

Discovery on State or Private Land of Human Remains, Burial Site, or Burial Material – Contact County Coroner
22-3-805(1), MCA

Discovery on Federal Land of Human Remains, Burial Site, or Burial Material – No State Jurisdiction (See NAGPRA)

Step 2

After notification, Coroner has 2 working days to determine if crime site and whether or not Title 46, MCA applies
22-3-805(2), MCA

If crime scene – coroner seizes remains as evidence for criminal proceeding
22-3-805(3), MCA

If more than 2 days are needed to make a determination, coroner notifies Board about length of delay
22-3-805(2), MCA

Step 3

If not a crime scene, Coroner telephones SHPO within 24 hours (406) 444-7715
22-3-805(4), MCA

If SHPO cannot be contacted, Coroner notifies Board member or Law Enforcement agency of nearest reservation within 24 hours
22-3-805(5), MCA

Step 4

Upon Coroner contact, SHPO has 1 day to contact:
(a) landowner and the Board; or
(b) landowner and Board member representing nearest reservation
22-3-805(4), MCA

Board or Law Enforcement Agency immediately notifies landowner and Board member representing nearest Reservation. Board member will also notify Board chair.
22-3-805(5), MCA

Step 5

Board has 36 hours to designate representative to conduct (by landowner permission) an initial field review
22-3-805(6), MCA

Step 6

Board's representative and landowner agree to disposition/resolution
22-3-805(6), MCA

If no resolution is achieved within 40 days among Board representatives and the landowner, remains must be removed and control vested with the Board. Board gives control to descendants, tribe, or group most closely affiliated or with aboriginal or historic occupation of area.
22-3-805(7), MCA